

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK

ORIGINAL

TAJE MONBO
DEAFUEH MONBO

Plaintiffs

v.

LOTFY NATHAN
RED GAP FILM GROUP, LLC
VERTICAL ENTETAINMENT,LLC
OSCILLOSCOPE PICTURES, INC.
OSCILLOSCOPE, INC.
DANIEL BERGER
THOMAS SLADEK
OVERBROOK ENTERTAINMENT, INC.
OVERBROOK ENTERTAINMENT, LLC
WILL SMITH
SONY PICTURES ENTERTAINMENT,INC.
MISSION FILM, INC.
ERIC BLAIR

Defendants

Civil Action No:

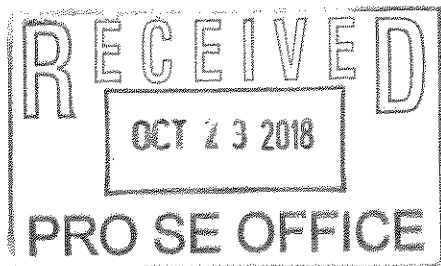
CV 18-5930
DONNELLY, J.

BLOOM, M.J.

JURY TRIAL DEMANDED

COMPLAINT FOR:

- (1) Copyright Infringement**
- (2) Contributory Copyright Infringement**
- (3) Vicarious Copyright Infringement**
- (4) Infringement of Right of Publicity**
- (5) Trademark Infringement**
- (6) False Designation of Origin Passing Off and Unfair Competition**
- (7) Trademark Dilution**
- (8) Cybersquatting**
- (9) Trademark Infringement Under Maryland Code Bus Reg. 1-414 et. seq.**
- (10) False Advertising and Unfair Competition under Common Law**
- (11) Contributory Trademark Infringement**
- (12) Vicarious Trademark Infringement**
- (13) Unjust Enrichment**



COMPLAINT

Plaintiffs Taje Monbo ("Taje") and Deafueh Monbo ("Deafueh") (collectively, "Plaintiffs" or "Monbo"), hereby bring this action against Lotfy Nathan ("Lotfy"), Red Gap Film Group, LLC ("Red Gap"), Vertical Entertainment, LLC ("Vertical Entertainment"), Oscilloscope Pictures, Inc. ("Oscilloscope Pictures"), Oscilloscope Inc. ("Oscilloscope"), Daniel Berger ("Daniel"), Thomas Sladek ("Thomas"), Overbrook Entertainment, Inc. ("Overbrook"), Overbrook Entertainment, LLC ("Overbrook"), Will Smith, Sony Pictures Entertainment, Inc. ("Sony"), Mission Film, Inc. ("Mission Film"), and Eric Blair (collectively, "Defendants"), and allege as follows:

NATURE OF THE ACTION

I. COPYRIGHT

1. Plaintiffs bring this action seeking to put an immediate stop to, and to obtain redress for, Defendants' willful and ongoing infringement of the copyrights in Plaintiffs' 12 O'Clock Boyz creative works. 12 O'Clock Boyz is a pioneering entertainment film series released in 2001 and 2003, which showcased a new breed of dirt-bike performers in Baltimore, Maryland. The independently released 12 O'Clock Boyz film series not only introduced never before seen riveting dirt-bike stunts, but also featured eccentric characters, comedy, scripted iconic scenes, and new hip-hop soundtracks. Since its inception, 12 O'Clock Boyz has been a cultural phenomenon that is eagerly followed by thousands of fans throughout the North East. The influence of the characters extend far beyond the actions on the screen. Plaintiffs own the copyrights in the 12 O'Clock Boyz film series. (See Exhibit 1)

2. In 2013, Defendants made a film entitled "12 O'Clock Boys" ("infringing film"). 12 O'Clock Boys infringes Plaintiffs' works by using innumerable copyrighted elements of

"12 O'Clock Boyz" including its movie title card, clips and excerpts and the character name Pug. At about seventeen minutes into the infringing film, the title card from Plaintiffs' 2001 film appear on screen:

"12 O'Clock Boyz, Inc.
presents
The Official 12 O'Clock Boyz"

The title is followed by upward of 20 excerpts copied from Plaintiffs' films. These clips include shots of PeeWee, Nephew Fred, Weedy, Shorty and Silly Willy as well as scenes of dirt-bikes being washed and even the shot of a young woman being spanked on the backside as she walks away. Plaintiffs were not advised that these clips from 12 O'Clock Boyz were being used in the infringing film, and did not give permission for their use.

3. The infringing film is intended to be a production that, by Lotfy's own admission, unabashedly take Plaintiffs' intellectual property and aim to "match the concept and approach" of 12 O' Clock Boyz. Defendants' infringing film is substantially similar to, and unauthorized derivative work of, Plaintiffs' 12 O'Clock Boyz films, in contravention of the copyright laws of the United States.

4. Taje (aka "Moe-Town" or "Moe") is not only the copyright owner and author of 12 O'Clock Boyz but he also appeared in the films as an actor. At least two of the segments taken from Plaintiffs' films that are shown in the infringing film feature Taje being interviewed. Taje did not grant permission, nor has he been compensated, for the use of his image and likeness in the infringing film.

5. Defendants' copyright registration application (PAu003699143) includes inaccurate information that would have resulted in the application's refusal by the Copyright Office pursuant to 17 U.S.C. § 411(b)(1)(A) of the Copyright Act.

6. Defendants are producing a new film adaptation called "12 O'Clock Boys" based on Defendants' 2013 infringing film.

7. Plaintiffs bring this action to recover damages, and to ask that Defendants be required to disgorge their ill-gotten profits attributable to their brazen copyright infringement, and cease and desist their continued unauthorized use of Plaintiffs' works.

II. TRADEMARK

8. This is also an action for trademark infringement, trademark dilution, unfair competition, counterfeiting, false designation of origin and cybersquatting under the Lanham Act, 15 U.S.C. § 1051, *et seq.* and/or statutory and common law and The All Writs Act, 28 U.S.C. § 1651(a).

9. Plaintiffs seeks equitable and monetary relief from Defendants' willful violations of Plaintiffs' trademark rights in their 12 O'Clock Boyz mark and other 12 O'Clock Boyz design marks (the "12 O'Clock Boyz Marks").

JURISDICTION AND VENUE

10. This is a civil action seeking damages and declaratory and injunctive relief for copyright infringement, arising under 17 U.S.C. § 101, *et seq.* This Court has original subject matter jurisdiction over the action under 28 U.S.C. § 1331 and 1338(a), as this action asserts copyright claims arising under the laws of the United States.

11. This Court has jurisdiction over the subject matter of this action pursuant to 15 U.S.C. § 1121 and 28 U.S.C. § 1331, 1338(a) and (b). The Court has supplemental jurisdiction over Plaintiffs state-law claims pursuant to 28 U.S.C. § 1367(a) because they are substantially related to its federal claims and arise out of the same case or controversy.

12. This Court also has general and/or specific personal jurisdiction over Defendants because some of the Defendants are a New York corporation with its principal place of business in New York, and because Defendants purposefully availed itself of the privilege of conducting business in New York. Defendants offer, market, and promote their infringing films bearing the 12 O'Clock Boyz marks that are the subject of this lawsuit through their website and other means to consumers located in New York and use those 12 O'Clock Boyz marks to promote and advertise their infringing films in New York and elsewhere.

THE PARTIES

13. Plaintiff Taje Monbo is a resident of Maryland and Owner of the 12 O'Clock Boyz entities. Plaintiff Taje is known by the nickname "Moe-Town" or "Moe" by members of the Baltimore urban dirt-bike community. Plaintiff Taje served as Author, Director, Producer, Writer, Actor, Sound Engineer, and Videographer, in the 12 O'Clock Boyz film series released in 2001 and 2003.

14. Plaintiff Deafueh Monbo is a resident of Maryland and Owner of the 12 O'Clock Boyz entities. Co-Plaintiff, Deafueh Monbo and her brother, Plaintiff Taje are owners and authors of the following properties: (i) 12 O'Clock Boyz - an independent motion picture released in 2001 under the following copyrights - PAu002610236, VA0001982689 (ii) 12 O'Clock Boyz "The Paparazzi Edition" - an independent motion picture released in 2003 under the following copyrights - PAu003760848, VA0002062926 (iii) 12 O'Clock Boyz - standard character mark - Serial No. 4991835, 4991753 (iv) 12 O'Clock Boyz - design mark - Registration No. 5021939, 5338490. (See Exhibit 2)

15. Upon information and belief, Defendant Lotfy Nathan is a resident of New York and California. Lotfy is the director and producer of the infringing film. Upon information and

belief, Lotfy Nathan is the copyright owner of Reg. No. PAu003699143. Lotfy is the owner of Red Gap Film Group, LLC and Vertical Entertainment LLC. Lotfy conducts business within the jurisdiction and venue of this Court.

16. Defendant Red Gap Film Group, LLC ("Red Gap") is a corporation organized under the laws of Maryland. Upon information and belief, Red Gap is the Licensor of Oscilloscope and Oscilloscope Pictures. Red Gap conducts business within the jurisdiction and venue of this Court.

17. Defendant Vertical Entertainment, LLC ("Vertical Entertainment") is a corporation organized under the laws of Maryland. Vertical Entertainment conducts business within the jurisdiction and venue of this Court.

18. Defendant Oscilloscope Pictures, Inc ("Oscilloscope Pictures") is a corporation organized under the laws of New York. Oscilloscope Pictures is the distributor of the infringing film. Oscilloscope Pictures distributes the infringing film worldwide. Upon information and belief, Oscilloscope Pictures is also the Executive Producer of the infringing film. Oscilloscope Picture is doing business as Oscilloscope Laboratories.

19. Defendant Oscilloscope Inc. ("Oscilloscope") is a corporation organized under the laws of New York. Oscilloscope is the distributor of the infringing film. Oscilloscope distributes the infringing film worldwide. Upon information and belief, Oscilloscope is also the Executive Producer of the infringing film. Oscilloscope is doing business as Oscilloscope Laboratories.

20. Upon information and belief, Defendant Daniel Berger ("Daniel") is a resident of New York. Daniel is the Co-President of Oscilloscope. Upon information and belief, Daniel is also the Executive Producer of the infringing film.

21. Upon information and belief, Defendant Thomas Sladek is a resident of New York. Thomas is the Vice President of Digital and Ancillary Sales of Oscilloscope. Thomas conducts business within the jurisdiction and venue of this Court.

22. Defendant Overbrook Entertainment, Inc. ("Overbrook") is a corporation organized under the laws of California. Overbrook is a motion picture and production company owned by Defendant Will Smith. Overbrook conducts business within the jurisdiction and venue of this Court.

23. Defendant Overbrook Entertainment, LLC ("Overbrook") is a corporation organized under the laws of California. Overbrook is a motion picture and production company owned by Will Smith. Overbrook conducts business within the jurisdiction and venue of this Court.

24. Upon information and belief, Defendant Will Smith is a resident of California. Will Smith is an actor. Will Smith is the Executive Producer of the new feature adaptation called "12 O'Clock Boys" based on Defendants' 2013 infringing film. Will Smith conducts business within the jurisdiction and venue of this Court.

25. Defendant Sony Pictures Entertainment, Inc. ("Sony") is a corporation organized under the laws of Delaware with subsidiaries in California. Sony is the producer and studio of the new feature adaptation called "12 O'Clock Boys" based on Defendants' 2013 infringing film. Sony conducts business within the jurisdiction and venue of this Court.

26. Defendant Mission Film, Inc. ("Mission Film") is a corporation organized under the laws of Maryland. Mission Film is the producer of the infringing film. Mission Film conducts business within the jurisdiction and venue of this Court.

27. Defendant Eric Blair is a resident of Maryland. Eric is the producer of the

infringing film. Eric conducts business within the jurisdiction and venue of this Court.

FACTUAL BACKGROUND

I. Plaintiffs' 12 O'Clock Boyz Copyrighted Works

28. 12 O'Clock Boyz is a legendary film series that was released in 2001 and 2003, showcasing the exploits of young African-American dirt bike riders in Baltimore, Maryland.

29. For his film, Taje used his creative forces to organize a group of highly skilled dirt-bike riders, which included friends, to establish a plot that would highlight the exploits of a ostentatious group of dirt-bike riders in Baltimore called 12 O'Clock Boyz.

30. The title of the film is a phrase coined by Taje to describe the way in which riders would elevate the front of their bikes and ride only on the back wheels until their bikes would be perpendicular to the road or in the "12 O'Clock" position.

31. As Writer, Director, and Producer, Taje's vision was to make an entertainment dirt-bike film that would (1) unite East and West Baltimore and (2) encourage young men in Baltimore to focus their attention on recreation that would steer them away from violence and crime in the inner city.

32. As an actor, Taje's character "Moe-town" delivered breathtaking dirt-bike stunts, comic relief, boisterous bravado, camaraderie, and excitement which captured his audience.

33. 12 O'Clock Boyz film series was sold throughout the Maryland, Washington DC, and Virginia metropolitan area via independent advertising and promotional efforts.

34. The first 12 O'Clock Boyz film released in 2001 sold 50,000 copies in two weeks and revolutionized the Baltimore dirt-bike culture.

35. Taje subsequently released the second film in a series of 12 O'Clock Boyz films titled "The Paparazzi Edition" in 2003. The success of Plaintiffs' films is the reason kids in

Baltimore aspired to be 12 O'Clock Boyz.

36. 12 O'Clock Boyz has been used as the title of an ongoing series of creative works evidenced by the release of a second 12 O'Clock Boyz film, and the phrase has acquired secondary meaning.

37. In addition, the 12 O'Clock Boyz mark has been used by Plaintiffs as a business name, and in connection with the sale of sound recordings and clothing.

38. The 12 O'Clock Boyz Copyrighted Works are original works of authorship and constitute copyrightable subject matter under the Copyright Act, 17 U.S.C. § 101, et seq.

39. Plaintiffs own United States copyrights in the 12 O'Clock Boyz film series and the 12 O'Clock Boyz visual art works (collectively, the "12 O'Clock Boyz Copyrighted Works"). Plaintiffs have duly registered copyrights in and to the 12 O'Clock Boyz Copyrighted Works with the United States Copyright Office. The United States Copyright Office has issued Certificates of Registration for the 12 O'Clock Boyz Copyrighted Works that bear the numbers identified in Exhibit 1

40. Plaintiffs own the exclusive right to develop, create, and/or produce films and motion pictures based on the 12 O'Clock Boyz Copyrighted Works, including but not limited to the characters, themes and plots, and incidents therein. Plaintiffs are entitled to all of the protections and remedies for the 12 O'Clock Boyz Copyrighted Works accorded to a copyright owner.

41. Plaintiffs have been using the title "12 O'Clock Boyz" for their film series since 2001. Plaintiffs are owners of valid and subsisting U.S. federal trademark registrations for its 12 O'Clock Boyz marks. (see Exhibit 2)

II. Various Dirt-Bike Groups in Baltimore

42. Although, the riders in Plaintiffs' films are known for riding their dirt-bikes in a vertical position, not every dirt-bike rider who rides his bike in a vertical position identifies as "12 O'Clock Boyz". There are at least two other dirt-bike riding groups in Baltimore: (1) WOWBOYZ (Wildout Wheelie Boyz) and (2) Raise It Up.

43. WOWBOYZ, LLC is a business entity founded in Baltimore by "Steven Honda". Raise It Up, LLC is a business entity founded in Baltimore previously by Munir Bahar, now owned by Dawayne Davis. 12 O'Clock Boyz, Inc is a business entity founded in Baltimore by Plaintiffs.

44. WOWBOYZ LLC, Raise it Up LLC, and 12 O'Clock Boyz Inc each sell their respective branded merchandise and products.

45. Upon information and belief, 50-100 riders appeared in Defendants' infringing film.

46. Besides riders seen in the unauthorized clips taken from Plaintiffs' films, none of the individuals who appeared in Defendants' infringing film are 12 O'Clock Boyz.

III. Defendants and Their Willful Wrongdoings

A. Defendants' 2013 Infringing Film

47. When Defendants produced their infringing film, and at all times relevant to this action, Defendants had access to Plaintiffs' 12 O'Clock Boyz Copyrighted Works.

48. By Lotfy's own statement during an interview with The Source, he started shooting his infringing film in late 2007.

49. In 2009, Lotfy and Vertical Entertainment registered a copyright for a film entitled "The Twelve O'Clock Boyz", which they identified as derivative work under the

Copyright Act. (See PAu003430990 attached as Exhibit 3)

50. In 2012, Patrick Wright, the editor of Defendants' infringing film, registered a copyright for a derivative work entitled "The Twelve O'Clock Boyz". (See Exhibit 4)

51. Upon information and belief, Defendants' 2009 and 2012 derivative works include unauthorized clips from Plaintiffs' 12 O'Clock Boyz Copyrighted Works.

52. In 2013, upon information and belief, Defendants knowingly misrepresented information on their copyright application to conceal the fact that Defendants' 2013 infringing film is also an unauthorized derivative work. (See Exhibit 5)

53. Defendants' infringing film is directly and unabashedly intended to be a derivative work of 12 O'Clock Boyz or a 12 O'Clock Boyz work and uses numerous copyrighted elements of Plaintiffs' 12 O'Clock Boyz Copyrighted Works.

54. Defendants' infringing film is similar to Plaintiffs' 12 O'Clock Boyz Copyrighted Works, including but not limited to the concept, setting, feel, mood, and approach.

55. Defendants incorporated numerous elements of the Plaintiffs' 12 O'Clock Boyz Copyrighted Works into their infringing film, including but not limited to the character name Pug, the title card, clips, excerpts, and scripted scenes of the characters Moe-town, PeeWee, Nephew Fred, Weedy, Shorty, and Silly Willy.

56. The clips and excerpts taken by Defendants were substantial and part of the "heart" of Plaintiffs' film.

57. In 2014, Plaintiffs notified Lofty, Oscilloscope, and Red Gap that the unauthorized use of Plaintiffs' 12 O'Clock Boyz Copyrighted Works and the title "12 O'Clock Boys" infringed on Plaintiffs' rights.

58. Defendants continue to produce, distribute and publicly perform their infringing film domestically and worldwide in theaters, film festivals, and online via Netflix, Vimeo, YouTube, Chassy Media, Kanopy, and other means not yet known to Plaintiffs.

59. Defendants did not contact Plaintiffs during the period in which it took to produce and distribute their infringing film.

60. Defendants did not clear, or license the rights to, any of the clips from Plaintiffs' films before using them in their infringing film despite the fact that an online search of the Copyright Office database shows that 12 O'Clock Boyz was registered in 2001, and that Plaintiffs are the copyright owners.

61. Defendants had no interest in legitimately securing authorization to use Plaintiffs' 12 O'Clock Boyz Copyrighted Works.

62. Pursuant to 17 U.S.C. § 106, Plaintiffs' have the exclusive right to cast riders as "12 O'Clock Boyz" in films.

63. Defendants brazenly hijacked Plaintiffs' pseudo mark "12 O'Clock Boys" as title for their infringing film despite featuring WOWBOYZ, Raise It Up, and random dirt-bike/quad riders to capitalize on the goodwill of Plaintiffs' film series. (See Exhibit 6)

64. By misidentifying WOWBOYZ, Raise It Up, and random dirt-bike riders as "12 O'Clock Boys", Defendants attempt to make generic a specific term which identifies an exclusive group of highly skilled riders casted in the creative works produced under Plaintiffs' 12 O'Clock Boyz brand.

65. The use of the phrase "12 O'Clock Boys" as the title of Defendant's infringing film constitutes trademark infringement and unfair competition under the Lanham Act. Although trademark rights may not attach to the title of a single creative work, in this case 12

O'Clock Boyz has been used as the title of Plaintiffs' film series.

66. The use of the clip "12 O'Clock Boyz, Inc. presents The Official 12 O'Clock Boyz" in Defendants' infringing film creates the false impression that there is an endorsement by Plaintiffs of the infringing film or an affiliation between Plaintiffs' 12 O'Clock Boyz Copyrighted Works and Defendants' infringing film. This false association is likely to dilute the distinctiveness and value of the Plaintiffs' 12 O'Clock Boyz mark.

67. Defendants' infringing film is not a parody, nor does it constitute fair use of Plaintiffs' 12 O'Clock Boyz Copyrighted Works.

68. Defendants registered the domain name 12oclockboys.com with the Godaddy,LLC domain name registrar. Defendants have been operating a website at <http://www.12oclockboys.com/> where Defendants promote and sell their infringing film under the 12 O'Clock Boyz marks. (See Exhibit 7)

69. Defendants have not acknowledged Taje's contribution, obtained permission from Plaintiffs to use Taje's image, actual voice, words and performance. While Lotfy and others have received many accolades and substantial profits from their infringing film, Taje has not received acknowledgment, credit, or remuneration.

B. Ongoing Infringement Defendants' 2018 Feature Adaptation of Infringing Film

70. Upon information and belief, Lotfy, Oscilloscope and/or other Defendants licensed or authorized the licensing of the Infringing Works to Overbrook and Will Smith.

71. Upon information and belief, Overbrook and Will Smith recruited Sony for the production of Defendants' feature adaptation of their infringing film.

72. In 2016, Plaintiffs advised Will Smith and Overbrook that any use of the phrase "12 O'Clock Boys" as title of a motion picture shall constitute trademark infringement and unfair competition under the Lanham Act and as such they should refrain from using the phrase. (See Exhibit 8)

73. Overbrook, Will Smith, and Sony have announced that production of the feature adaptation of their infringing film "12 O'Clock Boys" will begin on October 1, 2018 in Baltimore, Maryland.

74. Overbrook, possibly with the aid of other Defendants, wrote the screenplay for the feature adaptation of Defendants' infringing film.

75. Overbrook and the other Defendants are in the process of producing, directing and creating the feature adaptation of Defendants' infringing film.

76. At all times relevant to this action, Defendants had access to the Plaintiffs' 12 O'Clock Boyz Copyrighted Works.

77. Upon information and belief, Defendants will incorporate numerous elements of the Plaintiffs' 12 O'Clock Boyz Copyrighted Works into Defendants' feature adaptation, including but not limited to the setting, concepts, characters, feel, and mood.

78. Defendants knew or had reason to know that the feature adaptation of their infringing film is unauthorized derivative work based on Plaintiff's 12 O'Clock Boyz Copyrighted Works.

79. Further, without Plaintiffs' authorization and approval, Defendants are unashamedly promoting the production of the feature adaptation of their infringing film under Plaintiffs' 12 O'Clock Boyz mark. (See Exhibit 9)

80. Defendants are part of an ongoing scheme to create and maintain the dilution of

Plaintiffs' 12 O'Clock Boyz mark, which expands the marketplace for casting any dirt-bike rider as a "12 O'Clock Boy" while shrinking the marketplace for Plaintiffs' genuine branded goods.

81. Although some Defendants may be acting independently, they may properly be deemed to be acting in concert because the combined force of their actions serves to multiply the harm caused to Plaintiffs.

82. Fully aware of Plaintiffs' rights, Defendants have acted knowingly, willfully, in reckless disregard of those rights, and in bad faith.

83. Plaintiffs have no adequate remedy at law.

INJURY TO PLAINTIFFS AND THE PUBLIC

84. Defendants' unauthorized use of the 12 O'Clock Boyz Mark is likely to cause confusion, mistake, and deception as to the source or origin of Defendants' products, and is likely to falsely suggest a sponsorship, connection, or association between Defendants, its products, and/or its commercial activities with Plaintiffs.

85. Defendants' unauthorized use of the 12 O'Clock Boyz Mark is likely to dilute the distinctiveness and value of Plaintiffs' legendary 12 O'Clock Boyz Mark.

86. Plaintiffs are suffering irreparable and indivisible injury and damages as a result of Defendants' unauthorized and wrongful use of Plaintiffs' 12 O'Clock Boyz Copyrights and Marks. If Defendants infringing, cybersquatting, and unfairly competitive activities are not preliminarily and permanently enjoined by this Court, Plaintiffs will continue to be harmed.

87. Defendants' acts, described above, have irreparably injured, and, if permitted to persist, will continue to irreparably injure the public, who has an interest in being free from confusion, mistake, and deception.

FIRST CAUSE OF ACTION

Copyright Infringement

88. Plaintiffs re-allege and incorporate by reference each and every allegation in each and every aforementioned paragraph as if fully set forth herein

89. Plaintiffs' 12 O'Clock Boyz Copyrighted Works constitute copyrightable subject matter under the Copyright Act, 17 U.S.C. §§ 101, et seq. Plaintiffs have recorded the copyrights in and to the Plaintiffs' 12 O'Clock Boyz Copyrighted Works with the United States Copyright Office.

90. Plaintiffs own the United States copyrights in the 12 O'Clock Boyz Copyrighted Works, and the exclusive right to develop, create, and/or produce motion pictures and television shows based on the 12 O'Clock Boyz Copyrighted Works, including but not limited to the characters, plots, theme, settings, situations, and incidents therein and also events. Plaintiffs are entitled to all of the protections and remedies for the 12 O'Clock Boyz Copyrighted Works accorded to a copyright owner.

91. Upon information and belief, in direct violation of Plaintiffs' exclusive rights, Defendants have directly infringed, and unless enjoined by this Court, will continue to infringe the copyrights in the 12 O'Clock Boyz Copyrighted Works by, among other things:

- a) Preparing unauthorized derivative works of the 12 O'Clock Boyz Copyrighted Works in the form of Defendants' infringing films.
- b) Reproducing copyrighted elements of the 12 O'Clock Boyz Copyrighted Works in Defendants' infringing films;
- c) Distributing copies of the Defendants' infringing film, which contain copyrighted elements of the 12 O'Clock Boyz Copyrighted Works;

- d) Publicly performing Defendants' infringing film, which contain copyrighted elements of the 12 O'Clock Boyz Copyrighted Works.

SECOND CAUSE OF ACTION Contributory Copyright Infringement

92. Plaintiffs re-allege and incorporate by reference each and every allegation in each and every aforementioned paragraph as if fully set forth herein.

93. On information and belief, Defendants knew or had reason to know that Defendants' infringing film is unauthorized derivative works based on the 12 O'Clock Boyz Copyrighted Works that are, at least in part, substantially similar to the copyrighted elements in the 12 O'Clock Boyz Copyrighted Works.

94. On information and belief, Defendants induced, caused, and materially contributed to the unauthorized preparation, duplication, distribution, and public performance of Defendants' infringing film, and are continuing to do so.

95. In violation of Plaintiffs' exclusive rights, Defendants have contributed to the infringement and, unless enjoined by this Court, will continue to contribute to the infringement of the copyrights in the 12 O'Clock Boyz Copyrighted Works.

THIRD CAUSE OF ACTION Vicarious Copyright Infringement

96. Plaintiffs re-allege and incorporate by reference each and every allegation in each and every aforementioned paragraph as if fully set forth herein.

97. On information and belief, Defendants have the right and ability to supervise the other Defendants, and on information and belief, did supervise them in their unlawful preparation, duplication, and distribution of Defendants' infringing films.

98. On information and belief, Defendants enjoy a direct financial benefit from the preparation, duplication, and distribution of Defendants' infringing films.

99. In direct violation of Plaintiffs' exclusive rights and as a consequence of the foregoing, Defendants have vicariously infringed the copyrights in the 12 O'Clock Boyz Copyrighted Works.

FOURTH CAUSE OF ACTION Infringement on Right of Publicity

100. Plaintiffs re-allege and incorporate by reference each and every allegation in each and every aforementioned paragraph as if fully set forth herein.

101. Taje (aka "Moe-Town" or "Moe") is not only the copyright owner and author of "12 O'Clock Boyz" but he also appeared in the films as an actor. At least two of the segments taken from Plaintiffs' films that are shown in Defendants' infringing film feature Taje being interviewed. Taje did not grant permission, nor has he been compensated, for the use of his image and likeness in Defendants' infringing film.

102. Defendants taking and selling the image of Taje without his knowledge or consent, violates Taje's right of publicity.

103. Similarly, Defendants' licensing of unauthorized images of Taje to various film festivals, YouTube, HBO, Showtime, Netflix, Paramount Home Entertainment, SBS on Demand, Vimeo, Kanopy etc, without Taje's knowledge or consent, violates Taje's right of publicity.

104. Defendants are liable to Taje for these violations, in an amount of damages to be determined by a jury.

FIFTH CAUSE OF ACTION
Trademark Infringement Under
Section 32(1) of the Lanham Act, 15 U.S.C. § 1114(1)

105. Plaintiffs re-allege and incorporate by reference each and every allegation in each and every aforementioned paragraph as if fully set forth herein.

106. Without Plaintiffs' consent, Defendants used and continues to use in commerce reproductions, copies, and colorable imitations of Plaintiffs' registered 12 O'Clock Boyz Marks in connection with the offering, distribution, and advertising of goods, which is likely to cause confusion, or to cause mistake, or to deceive, in violation of Section 32(1) of the Lanham Act, 15 U.S.C. § 1114(1).

SIXTH CAUSE OF ACTION
Trademark Infringement, False Designation of Origin, Passing Off,
and Unfair Competition
Under Section 43(a)(1)(A) of the Lanham Act, 15 U.S.C. § 1125(a)(1)(A)

107. Plaintiffs re-allege and incorporate by reference each and every allegation in each and every aforementioned paragraph as if fully set forth herein.

108. The use of the phrase "12 O'Clock Boys" as the title of Defendants' infringing films constitute trademark infringement and unfair competition under the Lanham Act. Although trademark rights may not attach to the title of a single creative work, in this case "12 O'Clock Boyz" has been used as the title of an ongoing series of creative works evidenced by the release of a second 12 O'Clock Boyz film, and the phrase has acquired secondary meaning. In addition, the mark has been used by Plaintiffs as a business name, and in connection with the sale of sound recordings and clothing.

109. Defendants' actions, as described above, are likely to cause confusion, or to cause mistake, or to deceive as to the origin, endorsement, or approval of Defendants, its

products, and/or its commercial activities by or with Plaintiffs, and thus constitute trademark infringement, false designation of origin, passing off, and unfair competition in violation of Section 43(a)(1)(A) of the Lanham Act, 15 U.S.C. § 1125(a)(1)(A).

SEVENTH CAUSE OF ACTION
Trademark Dilution
Under Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c)

110. Plaintiffs re-allege and incorporate by reference each and every allegation in each and every aforementioned paragraph as if fully set forth herein.

111. By guilefully misidentifying WOWBOYZ, Raise It Up, and random dirt-bike riders as "12 O'Clock Boys", Defendants attempt to dilute Plaintiffs' 12 O'Clock Boyz Mark.

112. Plaintiffs' 12 O'Clock Boyz Mark is widely recognized, as that term is used in 15 U.S.C. § 1125(c), and was widely recognized before Defendants' first use of the "12 O'Clock Boys" Marks, based on, among other things, the inherent distinctiveness and federal registration of Plaintiffs' 12 O'Clock Boyz Mark and the use and recognition of that mark.

113. Defendants' actions, as described above, are likely to dilute the distinctive quality of Plaintiffs' 12 O'Clock Boyz Mark by blurring in violation of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c), as amended by the Trademark Dilution Revision Act of 2006.

EIGHTH CAUSE OF ACTION
Cybersquatting
Under Section 43(d) of the Lanham Act, 15 U.S.C. § 1125(d)

114. Plaintiffs re-allege and incorporate by reference each and every allegation in each and every aforementioned paragraph as if fully set forth herein.

115. Defendant caused to be registered, registered, and/or used the 12oclockboys.com domain name with a bad-faith intent to profit from Plaintiffs' 12 O'Clock Boyz Marks.

116. Plaintiffs' 12 O'Clock Boyz Marks were distinctive at the time Defendants caused to be registered, registered, and/or used the 12oclockboys.com domain name.

117. Plaintiffs' 12 O'Clock Boyz mark was wide-recognized at the time Defendants caused to be registered, registered, and/or used the 12OClockboys.com domain name.

118. The 12oclockboys.com domain name is confusingly similar to Plaintiffs' 12 O'Clock Boyz Marks.

119. The 12oclockboys.com domain name is dilutive of Plaintiffs' 12 O'Clock Boyz mark. Defendants' actions, as described above, violate Section 43(d) of the Lanham Act, 15 U.S.C. § 1125(d).

NINTH CAUSE OF ACTION
Trademark Infringement
Under Maryland Code Bus. Reg. § 1-414 et seq.

120. Plaintiffs re-allege and incorporate by reference each and every allegation in each and every aforementioned paragraph as if fully set forth herein.

121. Defendants' use, without the consent of Plaintiffs, of a reproduction and/or colorable imitation of Plaintiffs' registered 12 O'Clock Boyz Marks in connection with the sale, offering for sale, and/or advertising of goods or services, is likely to cause confusion, or to deceive as to the origin of the goods or services, and thus constitutes trademark infringement in violation of Md. Code Bus. Reg. § 1-414 *et seq.*

122. Defendants' reproduction and/or colorable imitation of Plaintiffs' registered 12 O'Clock Boyz Marks and application of that reproduction and/or colorable imitation to Defendants' advertising, labels, prints, receptacles, signs, or wrappers that are intended to be used with goods or services and/or in conjunction with the sale or other distribution of goods or

services in Maryland constitutes trademark infringement in violation of Md. Code Bus. Reg. § 1-414 *et seq.*

TENTH CAUSE OF ACTION
Trademark Infringement, False Advertising, and Unfair Competition
Under Maryland Common Law

123. Plaintiffs re-allege and incorporate by reference each and every allegation in each and every aforementioned paragraph as if fully set forth herein.

124. Defendants' actions, as described above, are likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of Defendants with Plaintiff, or as to the origin, sponsorship, or approval of Defendants, its products, and its commercial activities by or with Plaintiffs such that Defendants' acts constitute infringement of Plaintiffs' proprietary rights in their 12 O'Clock Boyz Marks, misappropriation of Plaintiffs' goodwill in those marks, and unfair competition under Maryland common law.

125. Defendants' actions, as described above, constitute false and misleading descriptions and misrepresentations of fact in commerce, which, in commercial advertising and promotion, materially misrepresent the nature, characteristics, and qualities of Defendants' products and constitute false and deceptive advertising under Maryland common law.

ELEVENTH CAUSE OF ACTION
Contributory Trademark Infringement

126. Plaintiffs re-allege and incorporate by reference each and every allegation in each and every aforementioned paragraph as if fully set forth herein.

127. The actions of Defendants described above and specifically, without limitation, their knowledge, participation, and inducement of the unauthorized use of Plaintiffs 12 O'Clock Mark, and confusingly similar variations thereof, in commerce to advertise, market, and sell Defendants infringing films throughout the United States , constitute contributory trademark infringement in violation of federal law and the Maryland common law.

128. The actions of Defendants, if not enjoined, will continue. Plaintiffs have suffered and continues to suffer damages in an amount to be proven at trial consisting of, among other things, diminution in the value of and goodwill associated with the 12 O'Clock Boyz Mark, and injury to Plaintiffs.

129. On information and belief, the actions of Defendants described above were and continue to be deliberate, malicious and willful.

TWELVETH CAUSE OF ACTION Vicarious Trademark Infringement

130. Plaintiffs re-allege and incorporate by reference each and every allegation in each and every aforementioned paragraph as if fully set forth herein.

131. The actions of Defendants described above and specifically, without limitation, their knowledge, participation, and inducement of the unauthorized use of Plaintiffs' 12 O'Clock Boyz Mark, and confusingly similar variations thereof, in commerce to advertise, market, and sell Defendants' infringing films throughout the United States, constitute vicarious trademark infringement in violation of federal law and common law. Defendants each have the ability to control the actions of the Affiliate Defendants, fund the advertising activities of the Affiliate Defendants, and derive a direct financial benefit from the illegal acts of the Affiliate Defendants.

132. The actions of Defendants, if not enjoined, will continue. Plaintiffs have suffered and continues to suffer damages in an amount to be proven at trial consisting of, among other things, diminution in the value of and goodwill associated with Plaintiffs' 12 O'Clock Boyz Mark, and injury to Plaintiffs.

133. On information and belief, the actions of Defendants described above were and continue to be deliberate, malicious, and willful.

THIRTEENTH CAUSE OF ACTION Unjust Enrichment

134. Plaintiffs re-allege and incorporate by reference each and every allegation in each and every aforementioned paragraph as if fully set forth herein.

135. Plaintiffs asserts that Defendants have been unjustly enriched by their unauthorized use of Plaintiffs movie title card, clips and excerpts and the character name Pug in Defendants' infringing film. Defendants have also been unjustly enriched by their unauthorized use of Taje's image, actual voice, words and performance in Defendants' infringing film. Taje is not only the copyright owner and author of "12 O'Clock Boyz" but he also appeared in Plaintiffs' films as an actor.

136. Defendants never contracted with Plaintiffs or advised Plaintiffs that the upwards of 20 excerpts copied from 12 O'Clock Boyz were being used in Defendants' infringing film.

137. Defendants have received millions of dollars of royalties, DVD sales, and licensing fees, due to their unauthorized use of Plaintiffs' 12 O'Clock Boyz Copyrighted Works including Taje's image.

138. Defendants' unauthorized use of Plaintiffs' 12 O'Clock Boyz Copyrighted Works including Taje's image have impoverished Plaintiffs due to consumers' perception that Plaintiffs

consented to Defendants' use of their 12 O'Clock Boyz Copyrighted Works and Taje image, which have impaired Taje's reputation and credibility as revolutionary and independent filmmaker in the Baltimore dirt-bike community.

139. The public perception that Plaintiffs' consented to use of their 12 O'Clock Boyz Copyrighted Works and Taje's image by Defendants has reduced the market for Plaintiffs' 12 O'Clock Boyz Copyrighted Works.

JURY TRIAL DEMANDED

Pursuant to Fed. R. Civ. P. 38, Plaintiffs respectfully demand a trial by jury on all issues properly triable by a jury in this action.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment against Defendants as follows:

Copyright

1. That the Court find that:
 - a) Defendants have infringed the copyrights in the 12 O'Clock Boyz Copyrighted Works;
 - b) Defendants have contributed to the infringement of the copyrights in the 12 O'Clock Boyz Copyrighted Works;
 - c) Defendants have vicariously infringed the copyrights in the 12 O'Clock Boyz Copyrighted Works.
2. That the Court find that as a direct and proximate result of Defendants' foregoing acts, Plaintiffs are entitled to the following damages:

a) At Plaintiffs' election, statutory damages of up to \$150,000 for each separate 12 O'Clock Boyz Copyrighted Work infringed, for willful infringement pursuant to 17 U.S.C. § 504(c), or Plaintiffs' actual damages sustained as a result of Defendants' acts of copyright infringement according to proof and Defendants' profits obtained as a result of their acts of copyright infringement according to proof; and

b) Plaintiffs' reasonable attorneys' fees and costs pursuant to the Copyright Act of 1976, 17 U.S.C. § 101, et seq., and 17 U.S.C. § 505.

3. That the Court find that the threat of irreparable harm to Plaintiffs as a result of Defendants' conduct leaves Plaintiffs without adequate remedy at law, and therefore that Plaintiffs are entitled to an injunction restraining Defendants, their agents, servants, employees, attorneys, successors, assigns, subsidiaries, and all persons, firms, and corporations acting in concert with them, from directly or indirectly infringing the copyrights in the 12 O'Clock Boyz Copyrighted Works, including but not limited to continuing to distribute, market, advertise, promote, produce, sell, or offer for sale Defendants' infringing film or any works derived or copied from the 12 O'Clock Boyz Copyrighted Works, and from participating or assisting in any such activity whether or not it occurs in the United States.

4. That the Court find that Defendants are liable to Taje for common law claims of appropriation of Taje's likeness and violation of his common law rights of publicity.

5. That the Court find the Defendants' copyright(s) is/are invalid due to misrepresentation .

Trademark

6. An Order declaring that Defendants' use of the 12 O'Clock Boyz Marks infringe Plaintiffs' 12 O'Clock Boyz Marks, dilute Plaintiffs' 12 O'Clock Boyz Mark, and constitute unfair competition under federal and/or state law, as detailed above;

7. A temporary, preliminary, and injunction enjoining Defendants and their employees, agents, partners, officers, directors, owners, shareholders, principals, subsidiaries, related companies, affiliates, distributors, dealers, and all persons in active concert or participation with any of them;

- a) From using the 12 O'Clock Boyz Marks in any form, including but not limited to in connection with any other wording or designs, and from using any other marks, logos, designs, designations, or indicators that are confusingly similar to any of Plaintiffs' 12 O'Clock Boyz Marks and/or dilutive of Plaintiffs' 12 O'Clock Boyz Mark;
- b) From representing by any means whatsoever, directly or indirectly, that Defendants, any products or services offered by Defendants, or any activities undertaken by Defendants, are associated or connected in any way with Plaintiffs or sponsored by or affiliated with Plaintiffs in any way;
- c) From assisting, aiding or abetting any other person or business entity in engaging in or performing any of the activities referred to in subparagraphs 7(A)-(B);

8. An Order directing Defendants to destroy all products, packaging, signage, advertisements, promotional materials, stationery, forms, and/or any other materials and things that contain or bear "12 O'Clock Boys" or any other marks, logos, designs, designations, or indicators that are confusingly similar to any of Plaintiffs' 12 O'Clock Boyz Marks and/or dilutive of Plaintiffs' 12 O'Clock Boyz Mark;

9. An Order directing Defendants (and the relevant registrar) to transfer to Plaintiffs the 12oclockboys.com domain name and all other domain names Defendants owns or controls that contain any of Plaintiffs' 12 O'Clock Boyz Marks (including but not limited to any domain names comprised of or containing 12 O'Clock Boys), any marks confusingly similar to any of Plaintiffs' 12 O'Clock Boyz Marks, and/or any marks dilutive of Plaintiffs' 12 O'Clock Boyz Mark;

10. An Order requiring Defendants to disseminate pre-approved corrective advertising and send pre-approved letters to all customers, resellers, retailers, agents, partners, and/or representatives to address the likely confusion and dilution caused by use of 12 O'Clock Boys name/marks and the 12oclockboys.com domain name.

11. An Order directing that, within thirty (30) days after the entry of the injunction, Defendants file with this Court and serve on Plaintiffs' (or Plaintiffs' attorneys when retained) a report in writing and under oath setting forth in detail the manner and form in which Defendants has complied with the injunction;

12. An Order requiring Defendant to account for and pay to Plaintiffs any and all profits arising from the foregoing acts, and increasing such profits, in accordance with 15U.S.C. § 1117 and other applicable laws, including but not limited to Md. Code Bus. Reg. § 1-414 et seq.;

13. An Order requiring Defendants to pay statutory damages under 15 U.S.C. § 1117(d), on election by Plaintiffs, in an amount of one hundred thousand dollars (\$100,000) for the registration and use of the 12oclockboys.com domain name;

14. An Order requiring Defendants to pay Plaintiffs damages in an amount as yet undetermined caused by the foregoing acts, and trebling such damages in accordance with 15 U.S.C. § 1117 and other applicable laws, including but not limited to Md. Code Bus. Reg. § 1-414 et seq.;

15. Entry of an order pursuant to 28 U.S.C. § 1651(a), The All Writs Act canceling for the life of the current registration or, at Plaintiffs' election, transferring any other domain names used by Defendants to engage in their infringement and counterfeiting of Plaintiffs' 12 O'Clock Boyz Marks at issue to Plaintiffs' control so they may no longer be used for infringement purposes;

16. An Order requiring Defendants to pay Plaintiffs all of their litigation expenses, including reasonable attorneys' fees and the costs of this action pursuant to 15 U.S.C. § 1117 and other applicable laws;

17. An Order requiring Defendants to pay Plaintiffs punitive damages for trademark infringement and unfair competition under Maryland common law;

18. An Order requiring Defendants to pay Plaintiffs damages in an amount sufficient to compensated them for the damages caused by Defendants for contributory infringement and vicarious trademark infringement;

19. An Order that Plaintiff s be granted pre-judgment and post judgment interest;
20. Other relief as the Court may deem appropriate.

This the 23 Day of OCTOBER 2018

Taje Monbo
Taje Monbo, Plaintiff
P.O. Box 441
Owings Mills, MD 21117

Deafueh Monbo
Deafueh Monbo, Plaintiff
10451 Mill Run Circle, #400
Owings Mills, MD 21117

DEFENDANTS AND ADDRESSES

No.	NAME	ADDRESS
1	LOTFY NATHAN	2239 Kirk Avenue Baltimore, MD 21218
2	RED GAP FILM GROUP, LLC	RESIDENT AGENT: Marti Ryan Dane Nester 2239 Kirk Avenue Baltimore, MD 21218
3	VERTICAL ENTERTAINMENT, LLC	RESIDENT AGENT: Lotfy Nathan 2239 Kirk Avenue Baltimore, MD 21217
4	OSCILLOSCOPE PICTURES INC., (d/b/a Oscilloscope Laboratories)	Oscilloscope Pictures, Inc. C/O Loeb & Loeb, LLP ATTN: Kenneth Anderson, ESQ. 345 Park Avenue New York, 10154
5	OSCILLOSCOPE INC., (d/b/a Oscilloscope Laboratories)	Oscilloscope Inc., 1880 Century Park East, Suite 1600 Los Angeles, CA 90067
6	DANIEL BERGER	140 Havemeyer Street, Brooklyn, NY 11211
7	THOMAS SLADEK	140 Havemeyer Street, Brooklyn, NY 11211
8	OVERBROOK ENTERTAINMENT, INC.	RESIDENT AGENT: Kenneth B. Hertz 1800 Century Park East, Suite 1600 Los Angeles, CA 90067
9	OVERBROOK ENTERTAINMENT, LLC	RESIDENT AGENT: Jeff Gillman 1800 Century Park East, Suite 1600 Los Angeles, CA 90067

No.	NAME	ADDRESS
10	WILL SMITH	1880 Century Park East, Suite 1600 Los Angeles, CA 90067
11	SONY PICTURES ENTERTAINMENT, INC.	RESIDENT AGENT: Daniel Floyd 10202 W. Washington Blvd Culver City, CA 90232
12	MISSION FILM, INC.	RESIDENT AGENT: Eric Blair 2213 Lowells Glen Road, Unit #F Parkville, MD 21234
13	ERIC BLAIR	2213 Lowells Glen Road, Unit #F Parkville, MD 21234

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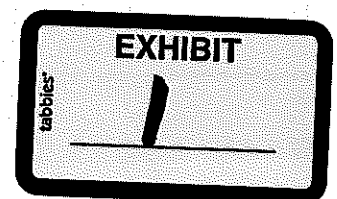
Labeled View

*12 o'clock boyz***Type of Work:** Motion Picture**Registration Number / Date:** PAu002610236 / 2001-08-24**Title:** 12 o'clock boyz**Description:** Videocassette ; 1/2 in.**Copyright Claimant:** Taje Monbo, 1975- a.k.a. Moe-Town, pseud.), Danielle Avent**Date of Creation:** 2001**Authorship on Application:** motion picture: Taje Monbo.**Names:** Monbo, Taje, 1975-Avent, DanielleMoe-Town, pseud.**Save, Print and Email (Help Page)**

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[Labeled View](#)***12 O'Clock Boyz "The Paparazzi Edition".*****Type of Work:** Motion Picture**Registration Number / Date:** PAu003760848 / 2015-03-20**Application Title:** 12 O'Clock Boyz "The Paparazzi Edition".**Title:** 12 O'Clock Boyz "The Paparazzi Edition".**Description:** Videodisc (DVD)**Copyright Claimant:** Taje Monbo. Address: P.O. Box 441, Owings Mills, MD 21117.**Date of Creation:** 2004**Authorship on Application:** Taje Monbo; Domicile: United States; Citizenship: United States. Authorship: entire motion picture.**Rights and Permissions:** tmrealityllc@yahoo.com**Copyright Note:** C.O. correspondence.**Names:** Monbo, Taje**Save, Print and Email (Help Page)**

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12_o_clock_boyz__visual.**Type of Work:** Visual Material**Registration Number / Date:** VA0001982689 / 2015-12-28**Application Title:** 12 O'Clock Boyz.**Title:** 12_o_clock_boyz__visual.**Description:** Electronic file (eService)**Copyright Claimant:** Deafueh Monbo, Address: PO Box 135, Owings Mills, MD, 21117.**Date of Creation:** 2001**Date of Publication:** 2001-06-25**Nation of First Publication:** United States**Alternative Title on Application:** 12 O'Clock Boyz (2001)**Authorship on Application:** Deafueh Monbo, Citizenship: United States. Authorship: 2-D artwork.

Taje Monbo, Citizenship: United States. Authorship: 2-D artwork.

Rights and Permissions: Deafueh Monbo, P.O. Box 135, Owings Mills, MD, 21117, United States**Names:** Monbo, DeafuehMonbo, Taje**Save, Print and Email (Help Page)**

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12 O'Clock Boyz "The Paparazzi Edition"**Type of Work:** Visual Material**Registration Number / Date:** VA0002062926 / 2017-01-06**Application Title:** 12 O'Clock Boyz "The Paparazzi Edition".**Title:** 12 O'Clock Boyz "The Paparazzi Edition".**Description:** electronic file.**Copyright Claimant:** Deafuch Monbo. Address: P.O. Box 135, Owings Mills, MD, 21117.

Taje Monbo.

Date of Creation: 2003**Date of Publication:** 2003-06-01**Nation of First Publication:** United States**Authorship on Application:** Deafuch Monbo; Citizenship: United States. Authorship: 2-D artwork.

Taje Monbo; Citizenship: United States. Authorship: 2-D artwork.

Rights and Permissions: Deafuch Monbo, P.O. Box 135, Owings Mills, MD, 21117**Copyright Note:** C.O. correspondence.**Names:** Monbo, DeafuchMonbo, Taje**Save, Print and Email (Help Page)**

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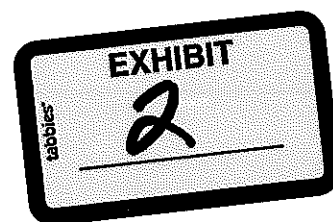
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**Word Mark** 12 O'CLOCK BOYZ**Goods and Services** IC 025. US 022 039. G & S: Clothing, namely, t-shirts. FIRST USE: 20010625. FIRST USE IN COMMERCE: 20010625**Mark Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS**Design Search Code** 02.01.02 - Men depicted as shadows or silhouettes of men; Silhouettes of men
02.01.31 - Men, stylized, including men depicted in caricature form
18.05.02 - Mopeds; Motor cycles and motor scooters**Serial Number** 87312648**Filing Date** January 25, 2017**Current Basis** 1A**Original Filing Basis** 1A**Published for Opposition** September 5, 2017**Registration Number** 5338490**Registration Date** November 21, 2017**Owner** (REGISTRANT) Monbo, Deafueh INDIVIDUAL UNITED STATES PO Box 135 Owings Mills MARYLAND 21117

(REGISTRANT) Monbo, Taje INDIVIDUAL UNITED STATES PO Box 135 Owings Mills MARYLAND 21117

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BOYS" APART FROM THE MARK AS SHOWN**Description of Mark** Color is not claimed as a feature of the mark. The mark consists of a man holding a motorcycle in a vertical position. The wording "12 O'CLOCK BOYZ" appears to the right of the man, and the "12" portion overlaps the motorcycle.**Type of Mark** TRADEMARK**Register** PRINCIPAL**Live/Dead Indicator** LIVE
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Word Mark 12 O'CLOCK BOYZ

Goods and Services IC 009, US 021 023 026 036 038. G & S: Motion pictures, all featuring documentaries on dirt bike riders who ride on the city streets of Baltimore; Motion pictures, all featuring documentaries on Baltimore's dirt bike riders who tilt their bikes into the "12 O'Clock" position; Digital recordings namely, Videocassettes, DVDs, and Video Discs all featuring documentaries on dirt bike riders who ride on the city streets of Baltimore. FIRST USE: 20010625. FIRST USE IN COMMERCE: 20010625

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 02.01.02 - Men depicted as shadows or silhouettes of men; Silhouettes of men
18.05.02 - Mopeds; Motor cycles and motor scooters

Serial Number 86863708

Filing Date January 1, 2016

Current Basis 1A

Original Filing Basis 1A

Published for Opposition May 31, 2016

Registration Number 5021939

Registration Date August 16, 2016

Owner (REGISTRANT) Monbo, Deafueh INDIVIDUAL UNITED STATES P.O. Box 135 Owings Mills MARYLAND 21117
(REGISTRANT) Monbo, Taje INDIVIDUAL UNITED STATES P.O. Box 135 Owings Mills MARYLAND 21117

Description of Mark Color is not claimed as a feature of the mark. The mark consists of a dirt-bike rider popping the perfect wheelie so that the dirt bike is facing up in the 12 O'Clock position and the wording "12 O'CLOCK BOYZ" in stylized font overlapping the dirt-bike and extending to the right within a dark irregular outline. The perfect wheelie is claimed as a feature of the mark.

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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12 O'Clock Boyz

Word Mark 12 O'CLOCK BOYZ

Goods and Services IC 009. US 021 023 026 036 038. G & S: Motion Pictures, all featuring documentaries on Baltimore's dirt bike street riders who ride dirt bikes on the city streets of Baltimore, where riders pop wheelies, and elevate the front of their bikes and ride only on the back wheels until the bikes are perpendicular to the road or in the "12 O'Clock" position; digital recordings namely, DVDs, Video Discs, and Videocassettes, all featuring documentaries, where riders pop wheelies, and elevate the front of their bikes and ride only on the back wheels until the bikes are perpendicular to the road or in the "12 O'Clock" position. FIRST USE: 20010625. FIRST USE IN COMMERCE: 20010625

Standard Characters Claimed**Mark Drawing Code** (4) STANDARD CHARACTER MARK**Serial Number** 86777306**Filing Date** October 3, 2015**Current Basis** 1A**Original Filing Basis** 1A**Published for Opposition** April 19, 2016**Registration Number** 4991835**Registration Date** July 5, 2016

Owner (REGISTRANT) Monbo, Deafueh INDIVIDUAL UNITED STATES PO Box 135 Owings Mills MARYLAND 21117
 (REGISTRANT) Monbo, Taje INDIVIDUAL UNITED STATES PO Box 135 Owings Mills MARYLAND 21117

Type of Mark TRADEMARK**Register** PRINCIPAL**Live/Dead Indicator** LIVE
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12 O'Clock Boyz

Word Mark 12 O'CLOCK BOYZ

Goods and Services IC 041. US 100 101 107. G & S: Movie filming services, including movie filming services associated with Baltimore's dirt bike street riders who ride dirt bikes on the city streets of Baltimore, where riders pop wheelies, and elevate the front of their bikes and ride only on the back wheels until their bikes are perpendicular to the road or in the "12 O'Clock" position; Entertainment services, namely, live, televised and movie appearances by a professional, amateur and street entertainer dirt bike riders; Entertainment services, namely, personal appearances by Baltimore's dirt bike riders; Entertainment services, namely, production of special effects including model making services, computer generated imagery and computer generated graphics for the production of motion pictures, videos, and movie trailers; Entertainment services, namely, providing reviews of Baltimore's dirt bike riding and dirt bike riders; Entertainment services, namely, the provision of continuing movies featuring documentary and commentary on Baltimore's dirt bike riding delivered via visual media; Movie showing, namely, Baltimore's dirt bike riding and street dirt bike riders; Movie studio, for Baltimore's dirt bike riding; Planning arrangement of showing movies, shows, or musical performance involving Baltimore's dirt bike riding; Preparing subtitles for movies, namely, Baltimore's dirt bike riding movies; Production and distribution of television shows and movies for dirt bike riding including Baltimore's dirt bike riding; Providing entertainment information in the field(s) of dirt bike riding; Providing entertainment news and information specifically in the field of dirt bike riding; Providing facilities for movies, shows, plays, music or educational training; Providing interviews featuring Baltimore's dirt bike riders in the field of dirt bike riding for entertainment purposes; Providing ratings for television, movie, music, video and video game content related to Baltimore's dirt bike riding; Provision of non downloadable films and movies via a video service; Television, video and movie filming services; Providing entertainment news and information specifically in the field of dirt bike riding and motorsports. FIRST USE: 20010625. USED IN ANOTHER FORM The mark was first used anywhere in a different form other than that sought to be registered at least as early as 06/25/2001. FIRST USE IN COMMERCE: 20010625

Standard Characters Claimed**Mark Drawing Code** (4) STANDARD CHARACTER MARK**Serial Number** 86756470**Filing Date** September 15, 2015**Current Basis** 1A**Original Filing Basis** 1A**Published for Opposition** April 19, 2016**Registration Number** 4991753**Registration Date** July 5, 2016

Owner (REGISTRANT) Monbo, Deafueh INDIVIDUAL UNITED STATES PO Box 135 Owings Mills MARYLAND 21117
(REGISTRANT) Monbo, Taje INDIVIDUAL UNITED STATES PO Box 135 Owings Mills MARYLAND 21117

Type of Mark SERVICE MARK**Register** PRINCIPAL**Live/Dead Indicator** LIVE
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Search Results: Displaying 2 of 10000 entries



Labeled View

The Twelve O'clock Boyz

Relevance: ■■■■■

Type of Work: Motion Picture

Registration Number / Date: PAu003430990 / 2009-12-08

Application Title: The Twelve O'clock Boyz.

Title: The Twelve O'clock Boyz.

Description: 6 videodiscs (DVD)

Copyright Claimant: Lotfy Nathan, 1986- . Address: 616 water street suite 225, Baltimore, MD, 21202, United States.

Date of Creation: 2009

Authorship on Application: Lotfy Nathan, 1986- ; Domicile: United States; Citizenship: United Kingdom. Authorship: direction/director, production/producer, entire motion picture, cinematography/cinematographer.

Vertical Entertainment, employer for hire; Domicile: United States; Citizenship: United States. Authorship: production/producer.

Pre-existing Material: script/screenplay, preexisting footage, preexisting photograph(s), preexisting music.

Basis of Claim: all other cinematographic material, additional new footage, production as a motion picture.

Rights and Permissions: Lotfy Nathan, 616 water street suite 225, Baltimore, MD, 21202, United States, (508) 380-5202, lotfynathan@gmail.com

Names: Nathan, Lotfy, 1986-Vertical Entertainment**Save, Print and Email (Help Page)**

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Copyright Catalog (1978 to present)

Search Request: Keyword = the twelve o'clock boyz

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[Full Record View](#)*The Twelve O'Clock Boyz*

Relevance: ■■■■■

Type of Work: Motion Picture

Registration Number / Date: PAu003636756 / 2012-10-16

Application Title: The Twelve O'Clock Boyz.

Title: The Twelve O'Clock Boyz.

Description: Electronic file (eService)

Copyright Claimant: Patrick Wright, 1966-. Address: 68 Cobane Terrace, West Orange, NJ, 07052.

Date of Creation: 2012

Authorship on Application: Patrick Wright, 1966- ; Domicile: United States; Citizenship: United States. Authorship: editing/editor.

Pre-existing Material: script/screenplay, preexisting footage, preexisting photograph(s), preexisting music.

Basis of Claim: editing.

Rights and Permissions: Patrick Wright, 68 Cobane Terrace, West Orange, NJ, 07052, (862) 216-8550, pwright@mica.edu

Names: Wright, Patrick, 1966-

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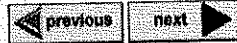
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Copyright Catalog (1978 to present)

Search Request: Keyword = lotfy nathan

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Labeled View

12 O'Clock Boys.

Relevance: ■■■■■

Type of Work: Motion Picture

Registration Number / Date: PAu003699143 / 2013-09-06

Application Title: 12 O'Clock Boys.

Title: 12 O'Clock Boys.

Description: Videodisc (DVD)

Copyright Claimant: Red Gap Film Group, LLC. Address: 194 S 2nd Street floor 3, Brooklyn, NY, 11211, United States.

Date of Creation: 2013

Authorship on Application: Red Gap Film Group, LLC, employer for hire; Domicile: United States. Authorship: entire motion picture.

Rights and Permissions: Lotfy Nathan, Red Gap Film Group, 194 S 2nd Street, Floor 3, Brooklyn, NY, 11211, United States, (508) 380-5202, (508) 380-5202, lotfynathan@gmail.com

Copyright Note: C.O. correspondence.

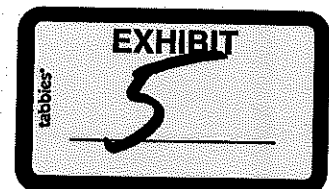
Names: Red Gap Film Group, LLC



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CREDITS

12 O'CLOCK BOYS

THE BOY:

Pug

THE MOTHER:

Coco

THE RIDERS:

Steven

Wheelie Wayne

Superman

Bam

Shawn Sean

Kevin

"Twelve O'Clock Boyz"

"Wildout Wheelie Boys"

"Raise it up"

and

THE POLICE

In Association With:

Framework Images

PROSPEKT

ALEThERIUM

MISSION FILM

Directed and Produced by:

Lotfy Nathan

Producer:

John Kassab

Executive Producer:

Taylor Gillespie

Producer:

Eric Blair

Editor:

Thomas Niles

Co-Producer:

Tom Colley

Director of Photography:

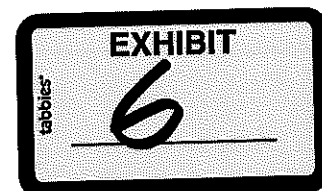
Lotfy Nathan

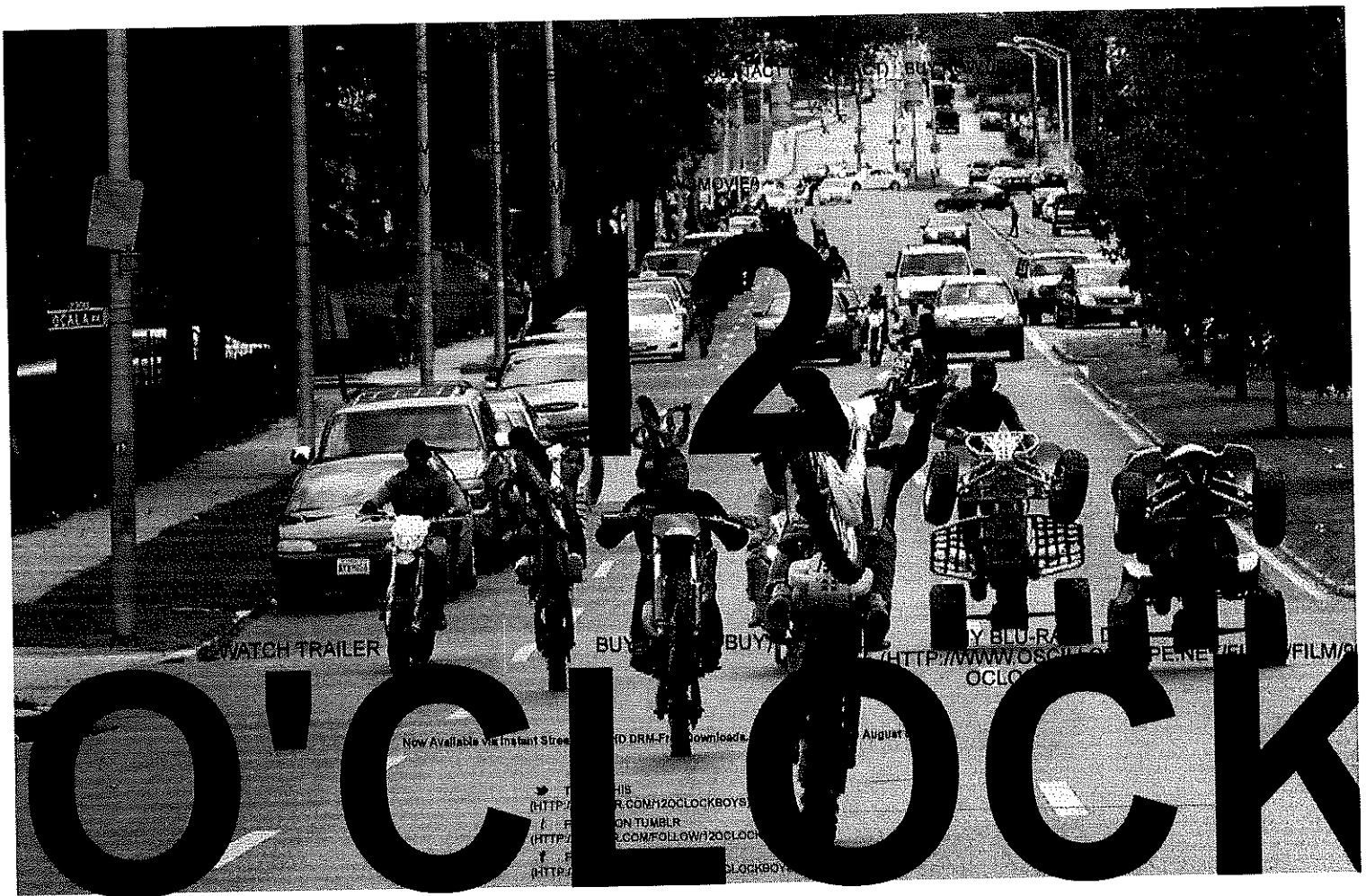
Original Score by:

Joe Williams

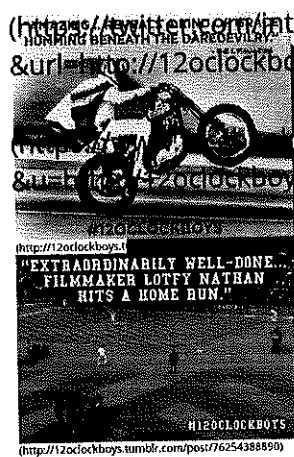
Music Supervisor:

Joe Williams





UPDATES



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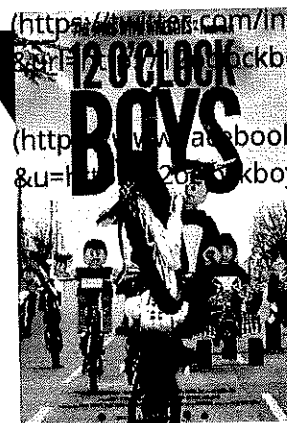
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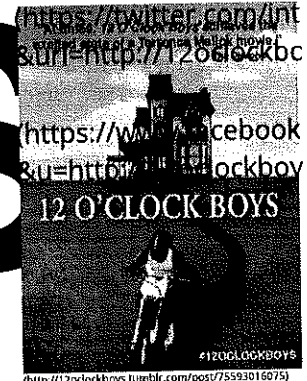
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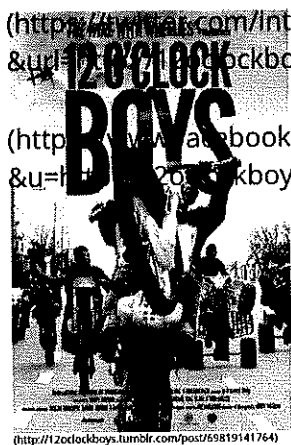
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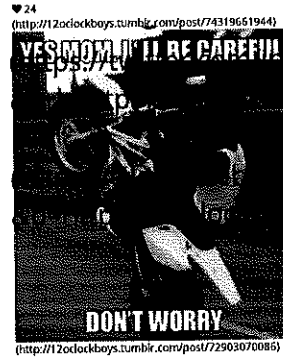
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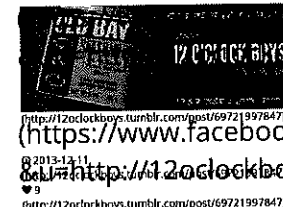
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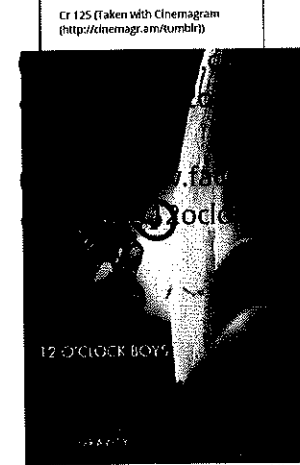
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12 O'CLOCK BOYZ

The Official 12 O'Clock Boyz

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED

February 18, 2016

Will Smith
Overbrook Entertainment
1880 Century Park East, #1600
Los Angeles, CA 90067

James Lassiter
Overbrook Entertainment
1880 Century Park East, #1600
Los Angeles, CA 90067

Re: "12 O'Clock Boys"
Infringement of Trademark Rights

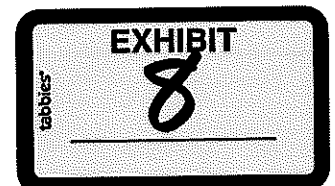
Dear Gentlemen:

I have been authorized by Taje Monbo to send this notice to Overbrook Entertainment. Taje Monbo and Danielle Avent own the copyright in the motion picture entitled "12 O'Clock Boyz". They registered their copyrights on August 24, 2001 (Reg. No. PAu 002610236) which is attached hereto.

"12 O'Clock Boyz" is a legendary motion picture that was released in 2001, documenting the exploits of young African-American dirt-bike riders in Baltimore, Maryland. **The title of the film is a phrase coined by Mr. Taje Monbo to describe the way in which riders would elevate the front of their bikes and ride only on the back wheels until their bikes would be perpendicular to the road or in the "12 O'Clock" position.** In 2003, Mr. Monbo released the second (motion picture) in a series of 12 O'Clock Boyz films titled "12 O'Clock Boyz: The Paparazzi Edition".

As a result these efforts, (1) Taje Monbo's customers and (2) the African-American community and (3) the general public, have come to recognized that the title of the film "12 O'Clock Boyz" is a phrase coined by Mr. Taje Monbo to describe the way in which riders would elevate the front of their dirt-bikes and ride only on the back wheels until their bikes would be perpendicular to the road or in the "12 O'Clock" position.

According to an article released by Vibe.com on December 20, 2015 bearing the headlines "Meek Mill Probation Troubles will Reportedly Cost Him a Role in Will Smith Film", it is alleged that Overbrook Entertainment intends to produce a motion picture with the title "12 O'Clock Boys".



February 18, 2016
Page 2 of 2

This letter constitutes Taje Monbo's demand that Overbrook Entertainment refrains from any and all use of the phrase "12 O'Clock Boys" as the title of any motion picture.

Neither Oscilloscope Laboratories nor Lotfy Nathan and his company, Red Gap Film Group, LLC have cleared, or licensed the rights, for the use of the phrase "12 O'Clock Boys" before using the phrase "12 O'Clock Boys" as the title of Oscilloscope and Red Gap Film Group's film.

Mr. Monbo was not advised and did not give permission for the use of the phrase "12 O'Clock Boys" as the title of Oscilloscope and Red Gap Film Group's film. The right to use the title "12 O'Clock Boys" was **not** obtained by Oscilloscope Laboratories, nor by Lotfy Nathan and his company, Red Gap Film Group before the release of "12 O'Clock Boys".

Overbrook Entertainment is strongly advised to refrain from any and all use of the phrase "12 O'Clock Boys" as the title of any motion picture.

Please be strongly advised that Taje Monbo will undertake all appropriate steps to protect the phrase "12 O'Clock Boyz" and its associated goodwill. Overbrook Entertainment can avoid legal action by refraining from any and all use of the phrase "12 O'Clock Boys" as the title of any motion picture.

If Overbrook Entertainment or its attorney have any questions regarding this letter, please do not hesitate to contact me by telephone at (410) [REDACTED] or by postal mail at: **12 O'Clock Boyz, Attention: Dee Monbo, P.O. Box 135, Owings Mills, Maryland 21117.**

Thank you for your prompt attention to this matter.

Sincerely,

[REDACTED]
Dee Monbo

Authorized by Taje Monbo (Copyright Owner of "12 O'Clock Boyz")

Cc: Taje Monbo

9/19/2018

Sony & Overbrook Entertainment Team On Film About Dirt-Bike Riders - Deadline



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Sony & Overbrook Entertainment Team On Film About Dirt-Bike Riders

By Amanda N'Duka 6 hours ago



Oscilloscope Laboratories

EXCLUSIVE: Sony has greenlit a feature adaptation of the 2013 documentary *12 O'Clock Boys*, about urban dirt-bike riders in Baltimore, from Overbrook Entertainment. The film is being produced by Jada Pinkett Smith, Caleeb Pinkett and Clarence Hammond of Overbrook. Casting is currently underway with a production start date aim for October.

Directed by Lotfy Nathan, the doc centered on Pug, a kid from the Westside eager to join the 12 O'Clock Boys' ranks. Pug, who was filmed over a three year period starting when he was 13, reveres the Boys' every move, and Nathan follows this young man through some of the most pivotal years of his life, providing a personal story within the broader depiction of the wild, dynamic world of the 12 O'Clock Boys.

The doc premiered at SXSW and was acquired by Oscilloscope Laboratories. It's currently available to screen on Hulu.

Sony and Overbrook have previously worked together on film's like *Hitch*, *The Pursuit of Happyness*, *Hancock*, *The Karate Kid* remake, and are teaming on the upcoming *Bad Boys For Life* sequel.

This article was printed from <https://deadline.com/2018/09/sony-overbrook-entertainment-12-oclock-boys-film-1202463691/>

